

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:10CR24
Plaintiff,)	
)	
vs.)	ORDER
)	
WAYNE KELSEY, JR.,)	
)	
Defendant.)	

This matter is before the court on the motion to continue by the government (Filing No. 42). The court had a telephone conference with counsel, Ms. Denton and Mr. McWilliams, on June 29, 2010, concerning a new trial date. Mr. McWilliams joined in the motion to continue this matter until August 23, 2010. Accordingly, the government's motion (Filing No. 42) and the defendant's oral motion will be granted.

IT IS ORDERED:

1. The government's motion to continue trial (Filing No. 42) and the defendant's oral motion to continue trial are granted.

2. Trial of this matter is re-scheduled for **August 23, 2010**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **June 29, 2010 and August 23, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 29th day of June, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge